

ANNUAL STATEMENT

Of the Liverpool and London and Globe Insurance Co., of Liverpool, England for the year ending Dec. 31, 1905.	
Capital paid up in U. S.	\$12,234,948 25
Assets	10,955,263 88
Liabilities exclusive of capi- tal and net surplus	6,972,668 49
Income	
Premiums	6,804,856 63
Other sources	461,602 88
Total income 1905	7,266,459 51
Expenditures	
Losses	5,191,143 50
Dividends, none in the U. S.	
Other expenditures	2,277,920 00
Fire Business 1905	
Risks written	998,746,932 60
Premiums thereon	10,955,263 88
Losses incurred	2,455,760 38
Nevada Business	
Risks written	552,985 00
Premiums received	18,085 25
Losses paid	2,255 00
Losses incurred	8,255 00
GEO. H. MOORE, Secy.	

ANNUAL STATEMENT

Of the Western Assurance Company of Toronto, Canada.	
Assets	\$2,456,786 38
Liabilities, exclusive of capi- tal and net surplus	1,797,194 09
Income	
Premiums	2,458,857 49
Other sources	71,450 25
Total income 1905	2,530,307 74
Expenditures	
Losses	1,547,464 07
Other expenditures	846,145 92
Total expenditures 1905	2,393,609 99
Business 1905	
Risks written	3,404,284 95
Losses incurred	1,411,438 02
Nevada Business	
Risks written	79,649 00
Premiums received	18,085 25
Losses paid	1,235 50
Losses incurred	8,255 00
C. C. FOSHER, Secy.	

ANNUAL STATEMENT

Of the National Surety Co. of N. Y. York, N. Y.	
Assets	\$500,000 00
Liabilities, exclusive of capi- tal and net surplus	2,216,713 88
Income	
Premiums	1,276,553 47
Other sources	1,276,553 47
Total income 1905	2,553,106 94
Expenditures	
Paid policy holders	452,698 02
Other expenditures	612,402 62
Total expenditures 1905	1,065,099 64
Business 1905	
Risks written	424,757,950 00
Premiums thereon	1,438,270 43
Losses incurred	690,384 10
Nevada Business	
Am't. of risks written	31,500 00
Premiums received	159 50
Am't. of said policy	32,150 00
GILBERT CONNOR, asst. secy.	

ANNUAL STATEMENT

Of the Mutual Life Insurance Com- pany of New York.	
Assets	\$470,000,000 00
Liabilities, exclusive of capi- tal and net surplus	170,893,167 90
Income for 1905	
Premiums	1,700,000 00
Other sources	1,700,000 00
Total income 1905	3,400,000 00
Expenditures	
Paid policy holders	2,500,000 00
Other expenditures	1,500,000 00
Total expenditures 1905	4,000,000 00
Business 1905	
Risks written	1,000,000 00
Premiums received	1,000,000 00
Losses and claims paid	1,000,000 00
Losses and claims incurred	1,000,000 00
Policies in force Dec. 31, 1905	1,000,000 00
W. J. EASTON, Secy.	

OFFICIAL COUNT OF STATE

STATE OF NEVADA.

County of Ormsby, s. s.	
John Sparks and W. G. Don- gass being first duly sworn say they are members of the Board of Examiners of the State of Nev., then on the 25th day of Feb. they, after having ascertained from the books of the State Controller the amount of money that should be in the Treasury made an official examina- tion and count of the money and vouchers for money in the State Treas- ury of Nevada and found the same correct as follows:	
Coin	257,242 50
Paid coin vouchers not re- turned to Controller	49,911 75
Total	207,330 75
State School Fund securities.	
Irredeemable Nevada State	
School bond	380,000 00
Moss State 3 per cent	597,000 00
Nevada State Bonds	200,700 00
Moss State 3 1/2 per cent	
Bonds	313,000 00
United States Bonds	215,000 00
Total	1,996,854 66
W. G. Donagass John Sparks	
Subscribed and sworn before me this 25th day of Feb., A. D. 1906.	
J. Doane, Notary Public, Ormsby County, Nev.	

Custom suits and overcoats will be
sold at reduced prices—and reason-
able time given for payment.
No advantage in waiting—put in
your order and receive your goods
before Christmas.

CHAUNCEY LATTY.

IN THE SUPREME COURT OF THE
STATE OF NEVADA.

Ebenezer Twaddle and Ebenezer
Twaddle as Special Admr. of the
Estate of Alexander Twaddle, de-
ceased.

Plaintiffs and Respondents
V.
Theodore Winters, A. C. Winters, L.
W. Winters and Samuel Longa-
baugh.

Defendants and Appellants
From 2d Judicial District Court, Wash-
oe County.

Messrs. Cheney and Massey, attorneys
for Plaintiffs.
Alfred Chantz, attorney for Defend-
ants.

DECISION

The respondents have moved to dis-
miss the appeal from the judgment
because it was not taken within one
year, and to dismiss the appeal from
the order of the district court denying
appellants motion for a new trial, also
to strike from the records the state-
ment on motion for a new trial, upon
the ground that the statement was
not filed within the time prescribed
by law. The appeal from the judg-
ment is dismissed because not taken
until March, 1905, more than one
year after its rendition on June 23,
1903. On that day Judge Currier of
the Second Judicial District court
who had tried the case at Reno and
rendered the decree, made in open
court and had entered in the minutes
an order "that all business and all
cases and proceedings that have not
been completed or in the process of
completion, and all new business that
may be brought before the court dur-
ing the absence of the presiding judge,
be referred to Judge M. A. Murphy
of the first judicial district court of
the State of Nevada, and that he be
requested to try, determine and dis-
pose of all cases and business now
before the court in the absence of the
judge of this district."

Pursuant to this request Judge Mur-
phy occupied the bench in Reno until
July 31, 1903, when a recess was taken
until a further order of the court.
There was no other session until
Judge Currier's return on August 17th.
On July 17th, Judge Murphy, in open
court in Reno, made an order allow-
ing plaintiff until August 15th in
which to file objection to findings,
and prepare additional findings. On
August 24 Judge Murphy at Carson
City, and within his own first judi-
cial district, by an ex parte order
made without affidavit of Judge Cur-
rier's absence or inability, granted the
defendants until September 15, 1903,
within which to prepare, file and
serve their notice and statement on
motion for a new trial. Later exten-
sions were made by Judge Currier, but
whether they are effectual depends
upon this order, which respondents
claim Judge Murphy was unauthorized
to make under Section 137 of the
Practice Act which provides in regard
to notices and statements on motions
for new trial that "the several periods
of time limited may be enlarged by
the written agreement of the parties,
or upon good cause shown, by the
court, or the judge before whom the
case is tried," and under district court
rule XLIII which directs that "no
judge, except the judge having charge
of the cause or proceeding shall grant
further time to plead, move, or do any
act or thing required to be done in
any cause or proceeding, unless it be
shown by affidavit that such judge is
absent from the state, or from some
other cause is unable to act."

Rule XLIII provides: "When any
district judge shall have entered upon
the trial or hearing of any cause or
proceeding, demurrer or motion, or
made any ruling, order or decision
therein, no other judge shall do any
act or thing in or about said cause,
proceeding, demurrer or motion, un-
less upon written request of the judge
who shall have first entered upon the
trial or hearing of said cause, proceed-
ing, demurrer or motion."

Section 2573 of the Compiled laws,
passed after section 137 of the Prac-
tice Act as quoted, enacts: "The dis-
trict judges of the State of Nevada
shall possess equal coextensive and
concurrent jurisdiction and power.
They shall each have power to hold
court in any county of the State.
They shall each exercise and perform
the powers, duties and functions of
the court, and of judges thereof, and
of Judges at Chambers. Each judge
shall have power to transact business
which may be done in chambers at
any point within the State. All of
this section is subject to the provi-
sions that each judge may order and
control the business in his own dis-
trict, and shall see that it is properly
performed."

We think under the minute order
and circumstances related, the power
inherent in Judge Currier to extend
the time of filing the notice and state-
ment became conferred upon Judge
Murphy during the former's absence,
and that Judge Murphy became the
judge in charge, endowed with the au-
thority to grant the extension without
the presentation of the affidavit show-
ing the absence or inability of Judge
Currier, as the rule requires before the
order can be made by a judge not
having the business in charge.

Judge Currier's absence was presu-
med to continue until his return was
shown and consequently Judge Mur-
phy's authority based upon that ab-
sence would likewise continue. It is
said that under the first statute men-
tioned, the language that "the court
or judge before whom the case was
tried" may extend the time. Invali-
dates the order, because Judge Mur-
phy was not the judge before whom
it was tried, and that he was not the
court after he returned to Carson City
where he made the order. In a nar-
row technical sense this may be true,
if we do not look beyond the strict
letter of the statute. But not so if
we consider the intent and purpose of
the enactment, and construe it in the
light of reason as applied to the or-

inary rules of practice, and give due
weight to the later section. Appar-
ently the object of this legislation was
to prevent the granting of extensions
and the meddling of judges in cases
which they had not tried or which
were not properly under their control,
and yet in the case of the absence or
inability of the judge who tried the
action, to grant relief, or allow ex-
tensions to be made to deserving lit-
igants.

The argument advanced concedes
that if Judge Murphy had gone to
Reno and entered the order in open
court it would have been good, but un-
der this contention if he had stepped
through the door into the chambers
and made it, it would have been void.
Orders extending the time for filing
as business usually, or properly
transacted in chambers and under
Section 2573 can and ought to be
made as effectually in any part of the
State by the judge having the case in
charge, as if made by him in cham-
bers or in open court. Judge Murphy
was merely acting for Judge Currier
during his vacation, but by analogy
the construction claimed, if adopted,
would, in every case where a district
judge dies, resigns or is succeeded,
invalidate the orders extending time
under section 137 made out of court
by his successor in office, although
they are of that character ordinarily
granted in chambers. This would
mean a distinction and two rules for
filing orders of the same kind,
and that the judge who had tried the
cause as Judge Currier had done in
this instance, could make the order in
chambers, while his successor could
not make it only in the cases tried by
him, and would have to be in court
to make these simple orders extend-
ing time in actions which had been
previously tried by another judge.

Appellants desired and were enti-
tled to the time granted for the pur-
pose of enabling them to secure from
the court reporter who had left the
State, a transcript of the testimony
given on the trial, which would en-
able them to properly prepare the state-
ment.

Under Section 2573 Judge Currier
could have made an order granting
them the extension at any place in
the State and as during his absence
Judge Murphy was requested by the
Court minutes to attend to all busi-
ness for him, we conclude that he was
empowered to make the order at Car-
son City as he did, and as Judge Cur-
rier could have done, and that it was
not necessary for him to make the trip
to Reno and undergo the formality of
opening court to enter ex parte orders,
simply extending time, such as are
usually made out of court.

The motion to dismiss the appeal
from the order overruling the motion
for a new trial and to strike out the
statement is denied.

ANNUAL STATEMENT

Of the Munich Re Insurance Co. of Munich, Bavaria.	
Assets	\$1,000,000 00
Liabilities, exclusive of capi- tal and net surplus	1,000,000 00
Income	
Premiums	1,000,000 00
Other sources	1,000,000 00
Total income 1905	2,000,000 00
Expenditures	
Losses	1,000,000 00
Dividends	1,000,000 00
Other expenditures	1,000,000 00
Total expenditures 1905	3,000,000 00
Business 1905	
Risks written	1,000,000 00
Premiums thereon	1,000,000 00
Losses incurred	1,000,000 00
Nevada Business	
Risks written	1,000,000 00
Premiums received	1,000,000 00
Losses paid	1,000,000 00
Losses incurred	1,000,000 00
O. EHMANN, Asst.	

ANNUAL STATEMENT

Of the North British & Mercantile Ins. Co. of London & Edinburgh.	
Assets	\$1,000,000 00
Liabilities, exclusive of capi- tal and net surplus	1,000,000 00
Income	
Premiums	1,000,000 00
Other sources	1,000,000 00
Total income 1905	2,000,000 00
Expenditures	
Losses	1,000,000 00
Dividends	1,000,000 00
Other expenditures	1,000,000 00
Total expenditures 1905	3,000,000 00
Business 1905	
Risks written	1,000,000 00
Premiums thereon	1,000,000 00
Losses incurred	1,000,000 00
Nevada Business	
Risks written	1,000,000 00
Premiums received	1,000,000 00
Losses paid	1,000,000 00
Losses incurred	1,000,000 00
TOM G. GRANT, Gen'l Agt.	

ANNUAL STATEMENT

Of the State Insurance Company of Indianapolis, Indiana.	
Assets	\$1,000,000 00
Liabilities, exclusive of capi- tal and net surplus	1,000,000 00
Income	
Premiums	1,000,000 00
Other sources	1,000,000 00
Total income 1905	2,000,000 00
Expenditures	
Losses	1,000,000 00
Dividends	1,000,000 00
Other expenditures	1,000,000 00
Total expenditures 1905	3,000,000 00
Business 1905	
Risks written	1,000,000 00
Premiums thereon	1,000,000 00
Losses incurred	1,000,000 00
Nevada Business	
Risks written	1,000,000 00
Premiums received	1,000,000 00
Losses paid	1,000,000 00
Losses incurred	1,000,000 00
WILBUR B. WYNN, Secretary	

Notice of Application for Permission
to Appropriation of the Public Waters of
the State of Nevada.

Notice is hereby given that on the
12th day of Sept. 1905 in accordance
with Section 23, Chapter XLVI, of the
Statutes of 1903, one Philip V. Michels
and Frank L. Wildes of Carson,
County of Ormsby and State of Ne-
vada, made application to the State
Engineer of Nevada for permission to
appropriate the public waters of the
State of Nevada. Such application to
be made from Ash Canyon creek at
points in N E 1/4 of S W 1/4 of section
10 T 15 N R 19 E by means of a dam
and headgate and five cubic feet per
second is to be conveyed to points
in N E 1/4 of S W 1/4 of section 11,
T 15 N R 19 E, by means of a flume
and pipe and there used to generate
electrical power. The construction
of said works shall begin before June
1, 1906 and shall be completed on or
before June 1, 1907. The water shall
be actually applied to a beneficial use
on or before June 1, 1908.

Signed:
HELE Y THURTELL,
State Engineer

TOURIST EXCURSION PARTIES TO
THE EAST.

Over the Scenic Line of the World.
If you are going east and want to
save money, get travel with pleasure
and comfort it will pay you to in-
vest our personally conducted tourist
excursions. The parties are in charge
of a Manager who accompanies the
cars through St. Louis, Chicago
and the Atlantic Coast and gives his
personal attention to the welfare of
each passenger in his charge. The
schedules are arranged so you pass
through the world-famous scenery on
the Denver and the Grand Central
by daylight Open-top Observation
cars (sometimes entirely new) and
agree to 24 passengers. Let us know
where you are going and we will
be glad to give you full information
about your trip, the lowest rates of
fare and send you free of charge some
handsome illustrated books of travel.

W. J. SHOTWELL,
General Agent

625 Market Street, San Francisco, Cal.

ANNUAL STATEMENT

Of the Germania Life Insurance Com- pany of New York.	
Capital (paid up)	\$1,000,000 00
Assets	3,571,167 48
Liabilities, exclusive of capi- tal and net surplus	2,000,000 00
Income	
Premiums	1,000,000 00
Other sources	1,000,000 00
Total income 1905	2,000,000 00
Expenditures	
Losses	1,000,000 00
Dividends	1,000,000 00
Other expenditures	1,000,000 00
Total expenditures 1905	3,000,000 00
Business 1905	
Risks written	1,000,000 00
Premiums thereon	1,000,000 00
Losses incurred	1,000,000 00
Nevada Business	
Risks written	1,000,000 00
Premiums received	1,000,000 00
Losses paid	1,000,000 00
Losses incurred	1,000,000 00
G. HOYT, Secretary	

ANNUAL STATEMENT

Of the National Life Ins. Co. of The U. S. of A.	
Assets	\$1,000,000 00
Liabilities, exclusive of capi- tal and net surplus	1,000,000 00
Income	
Premiums	1,000,000 00
Other sources	1,000,000 00
Total income 1905	2,000,000 00
Expenditures	
Losses	1,000,000 00
Dividends	1,000,000 00
Other expenditures	1,000,000 00
Total expenditures 1905	3,000,000 00
Business 1905	
Risks written	1,000,000 00
Premiums thereon	1,000,000 00
Losses incurred	1,000,000 00
Nevada Business	
Risks written	1,000,000 00
Premiums received	1,000,000 00
Losses paid	1,000,000 00
Losses incurred	1,000,000 00
ROBERT D. LAY, Secretary	

ANNUAL STATEMENT

Of the Home Life Ins. Co. of New York, New York.	
Capital (paid up)	\$1,000,000 00
Assets	1,000,000 00
Liabilities, exclusive of capi- tal and net surplus	1,000,000 00
Income	
Premiums	1,000,000 00
Other sources	1,000,000 00
Total income 1905	2,000,000 00
Expenditures	
Losses	1,000,000 00
Dividends	1,000,000 00
Other expenditures	1,000,000 00
Total expenditures 1905	3,000,000 00
Business 1905	
Risks written	1,000,000 00
Premiums thereon	1,000,000 00
Losses incurred	1,000,000 00
Nevada Business	
Risks written	1,000,000 00
Premiums received	1,000,000 00
Losses paid	1,000,000 00
Losses incurred	1,000,000 00
E. W. GLADWIN, Secretary	

ORDINANCE NO. 112.

Ordinance for the Licensing of
Games and Gambling Devices in
Carson City.

The Board of Trustees of Carson
City do ordain.
Section 1. Each and every person,
firm, company, corporation, or as-
sociation within the limits of Carson
City, who shall carry on as agent,
manager, owner or proprietor, any
game of faro, roulette, rondo, keno,
or any other game not prohibited by
the statutes of the State of Nevada,
or who shall carry on or operate any
nickle-in-the-slot-machine, or who
shall carry on or conduct